2nd Councilmanic District

N of Northbound Beltway (I-695) * ZONING COMMISSIONER * OF BALTIMORE COUNTY

* Case No. 89-8-A Commerce Centre Venture

Petitioner * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a doublefaced identification sign of 188.3 sq.ft. per side in lieu of the maximum permitted 150 sq.ft. per side, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Clark F. MacKenzie, Jr., General Partner, appeared, testified, and was represented by Robert W. Cannon, Esquire. Also appearing on behalf of the Petition was James S. Kline with G. W. Stephens, Jr. & Associates, Inc. There were no Protestants.

Testimony indicated that the subject property, known as The CommerceCentre, is located at 1777 Reisterstown Road adjacent to the I-695 interchange at Reisterstown Road, and is zoned BR. The property is improved with a mixed commercial development of office, retail and restaurant uses. Testimony presented indicates that the Petitioner proposes replacing an existing identification sign with one more appropriate to the subject property. Petitioner testified that the existing sign lacks proper visibility due to its location, vegetation exceeding the Baltimore County Landscaping Manual requirements, and the general topography of the site at this particular location. Testimony indicated that because there is no left turn permitted from Reisterstown Road heading east into the CommerceCentre, a taller identification sign is necessary to ensure early

patron identification from the intersection of Relsterstown Road and Hooks Lane. A majority of the buildings in the complex are sited a considerable distance from the road providing little effective visible signage for each individual business. Testimony further indicated that successful leasing and tenancy of the CommerceCentre is dependent upon visible identification from Reisterstown Road. In support of Petitioner's argument that currentis insufficient identification of businesses in the CommerceCentre, the Petitioner introduced as Petitioner's Exhibit 2 photographs of the existing signage along Reisterstown Road. Testimony indicated that the location of the subject property and its proximity to the I-695 Beltway off ramp requires signage of the height and size proposed. Petitioner testified that the adjacent Exxon station maintains a large sign which is located closer to Reisterstown Road than the subject identification sign and requires that the Petitioner identify its complex to the public by a sign of the height and size proposed. Further testimony indicated that the land on the opposite side of Reisterstown Road across from the identification sign is zoned BL from the corner to a point opposite any portion of the sign. The existing sign is not located within 100 feet of any existing principal building or adjoining residential premises on the same side of the street. Petitioner testified that practical difficulty and unreasonable hardship would result for the shopping center owner, tenants and the public if the requested variance is denied. The variance will not be detrimental to the health safety and general welfare of the public and is in harmony with the spirit and intent of the zoning regula-

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3/00 day of August, 1988 that the Petition for Zoning Variance to permit a double-faced identification sign of 188.3 sq.ft. per side in lieu of the maximum permitted 150 sq.ft. per side, as more particularly described in Petitioner's Exhibit 1, be and is hereby GRANTED, ject, however, to the following restriction:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

3/32

August 31, 1988

Robert W. Cannon, Esquire Weinberg and Green 100 South Charles Street Baltimore, Maryland 21201-2773

RE: PETITION FOR ZONING VARIANCE SE/S Reisterstown Road, 60' N of Northbound Beltway (I-695) (1777 Reisterstown Road) 3rd Election District - 2nd Councilmanic District CommerceCentre Venture - Petitioner Case No. 89-8-A

Dear Mr. Cannon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. Please contact Ms. Charlotte Radcliffe on Ext. 3391 for further information on filing an appeal.

> Very truly yours, J. ROBERT HAIRES Zoning Commissioner for Baltimore County

Dennis F. Rasmussen

JRH:bjs

cc: Mr. James S. Kline G. W. Stephens, Jr. & Associates, Inc. 303 Allegheny Avenue, Towson, Md. 21204 People's Counsel

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC. **ENGINEERS** P.O. BOX 6828, TOWSON, MARYLAND 21204

Description to Accompany a Petition for a Zoning Variance

Beginning at a point located N 25 00 00 W 378.00 Feet ± from the intersection of the centerlines of Reisterstown ROad and Interstate Highway 695 off-ramp running thence in a clockwise direction:

1. S 47 50' 05" W 25 feat ±

2. N 42 09' 50" W 25 feet ±

3. N 47 50' 05" E 25 feet ±

4. S 42 09 50 E 25 feet ± to the point of beginning. Containing 0.014 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)



GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC. ENGINEERS 303 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

Description to Accompany a Zoning Petition for a Zoning Variance.

April 19, 1988

386

Point of beginning being located at the point of intersection of the right-of-way lines of the north side of the Baltimore Beltway (I-695) and the east side of Reisterstown Road, thence;

1) North 42° 09' 55" West 224.02 feet more or less

2) North 68° 29' 19" West 43.16 feet more or less

3) North 46° 11' 50" East 151.53 feet more or less

4) North 14° 33' 50" East 113.32 feet more or less

5) North 42° 03' 10" West 151.10 feet more or less

6) North 48° 24' 30" East 60.07 feet more or less 7) North 41° 07° 30" West 50.94 feet more or less

8) North 48° 07' 39" East 127.13 feet more or less

• 9) A curve to the left R=7630.00 L=117.18' + having a chord bearing north 47° 41' 15" East 117.18 feet more or less

10) South 41° 15' 05" East 187.10 feet more or less

11) North 48° 14' 55" East 381.20 feet more or less 12) South 41° 18' 47" East 561.51 feet more or less

13) South 58° 50' 25" West 156.07 feet more or less

14) South 65° 44' 38" West 218.91 feet more or less

15) South 53° 28' 33" West 150.75 feet more or less 16) South 44° 15' 18" West 5.78 feet more or less

17) North 41° 50° 30" West 107.25 feet more or less 18) South 48° 09° 30° West 385.85 feet more or less

To the place of beginning. Containing 9.96 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY)



If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

Zoning Commissioner for Baltimore County

The second secon

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2(e) of the Joning Regulations of Bal permit a multiple-faced identification sign of 188.3 sq. ft. per side in lieu

of the allowed 150 sq. ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Petitioner presently has an identification sign for Commerce Centre (the "Centre") fronting on Reisterstown Road with 123.7 sq. ft. of signage on each face. Petitioner is proposing to expand the signage to permit the identification of more tenants in the Centre, such identification necessitated by the topography and location of the Centre. Grant of the variance is in harmony with the spirit and intent of the zoning regulations, and would not result in substantial injury to public health, safety and general welfare. Denial of Petitioner's request would cause practical difficulty and unreasonable

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County,

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Pelition.	
Legal Owner(s):	

A	
Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	COMMERCE CENTRE VENTURE (Type or Print Name)
Signature	By: HOOKS LANE LIMITED PARTNERSHIP 3 CO
Address	(Type or Print Name) ATE 1-5- (Type or Print Name)
City and State	Clark F. MacKenzie. Gener 1000 F. Signature
Attorney for Petitioner:	DP
Robert W. Cannon (Type or Brint Name)	Suite 200 2328 West Joppa Road 821-8585
Cartent Mil Cannon	Address Phone No. Lutherville, Maryland 21093
Signature	City and State
100 South Charles Street Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
Baltimore, Maryland 21201	Robert W. Cannon
City and State	Name
Attorney's Telephone No.: 332-8816	100 South Charles Street <u>Baltimore</u> , Maryland 21201 332-8816

ORDERED By The Zoning Commissioner of Baltimore County, this ____ County, on the 19th day of Suly 1958, at 2

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Date of Posting June 29 - 48 Posted for: Variance Centre Venture

Petitioner: Commerce Centre Petitioner Location of property: S. E. side of Reinterstown Road, 65' North of
Location of Signe: S. E. Side of Peinterstown Road in front of

Ruby at property.

Location of Signe: S. E. Side of Peinterstown Road in front of CERTIFICATE OF PUBLICATION THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the ______ 23cd day of the first publication appearing on the the second publication appearing on the the third publication appearing on the

19.20 Cost of Advertisement__

THE NORTHWEST STAR

___day of _



ZONING OFFICE

"DUPLICATE" CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each ing on ____ Que 23 _, 1988

> THE JEFFERSONIAN, 5. Zete Orlon

33.75

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines

Mr. Clerk F. MacKenzia Hooks Lane Limited Pertreceship 2328 West Jappe Road Lutherville, Reryland 21093

Dennis F. Rasmussen
County Executive

Petition for Zoning Variance CASE NUMBER: 80-8-A SES Relateratorn Road, 80° M Northbound Beltway (1777 Relaterators Road) 3rd Election District - 2nd Councilments Petitioner(s): Commerce Centre Venture
HEARING SCHEDULED: THESONY, JULY 19, 1988 et 2:00 puns

Please be advised that 61.95 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin n and post set(s), there

BALTIMORE COUNTY, MARYLAND e for each set not OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

8 220****** 6795: a 619#F 89- 8-A VALIDATION OR SIGNATURE OF CASHIER

RECEIVED (mmerce. Cestre Yerles)

INES

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 J. Robert Haines Zoning Commissioner

NOTICE OF HEARING



Dennis F. Rasmussen County Executive The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Putition for Zoning Variance CASE NUMBERS BU-B-A SES Relateratourn Road, 50° N Northbound Beltwey (1777 Relateratous Road)

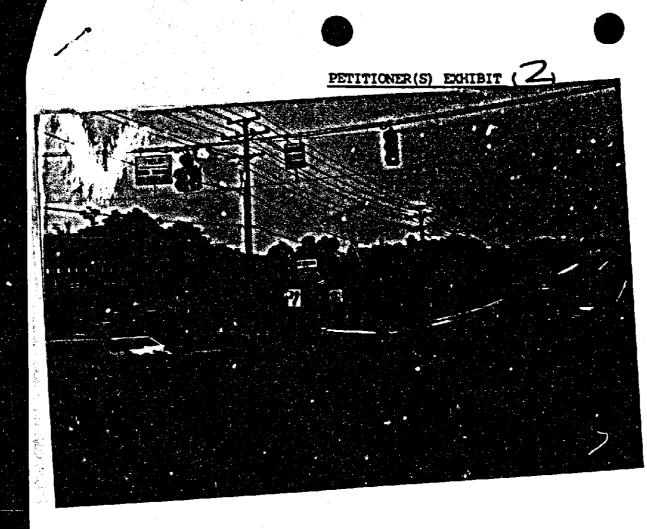
3rd Election District - 2rd Councilments

Potitioner(s): Commerce Centre Venture HEARING SCHEDULED: TUESDAY, JULY 18, 1988 et 2:00 p.m. YMPINECE to permit a dual-faced identification sign of 188.3 eq. ft. per side in lisu of the allowed 150 eq. ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County Mr. Clark F. RecKenzie Robert W. Cennon, Esq.

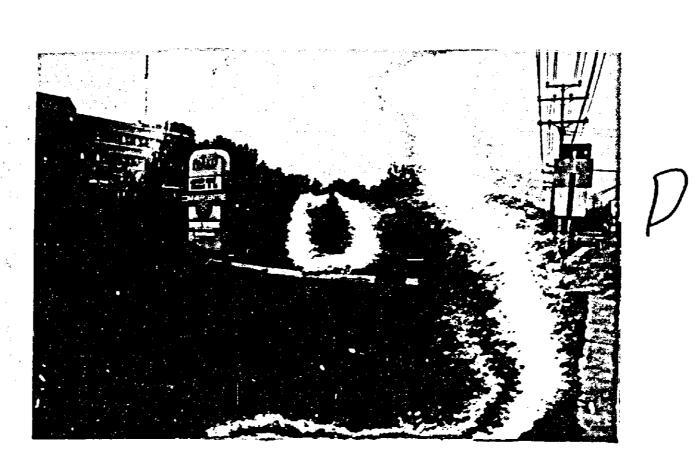
494-3353

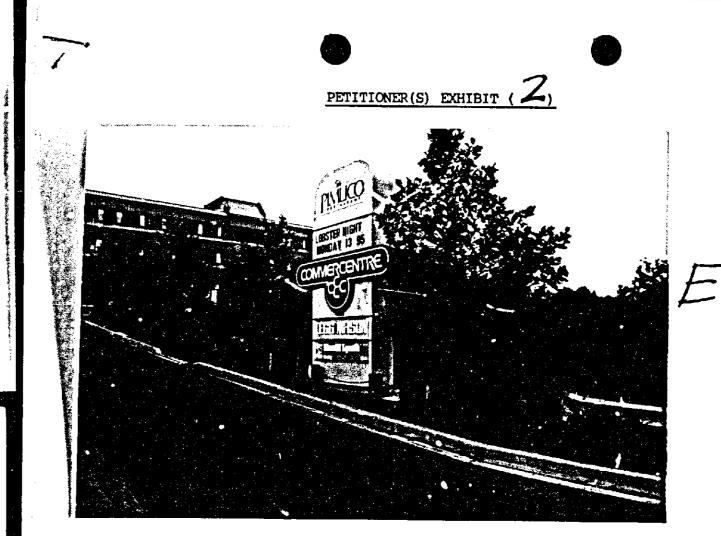












89-8-A BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this 4th day of May , 1988 Petitioner Conserce Centre Venture

Received by: James E. Dyer
Chairman, Zoning Plans Petitioner's Advisory Committee Attorney Robert W. Campon Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554 May 23, 1988 Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Dear Mr. Haines: The Bureau of Traffic Engineering has no comments for items number 362, 381, 382, 383, 384, 385 3E2 and 389. Very truly yours. Stephen E. Weber, P.E. Assistant Traffic Engineer SEW/RF/pm1-b

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204 Re: Property Owner: Commerce Centre Venture Dennis F. Rasmussen
County Executive Location: SE/S Reisterstown Rd., 60' N. of Northbound Beltway Item No.: 386 Zoning Agenda: Meeting of 5/3/88 Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department () 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at _____ EXCEFDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. () 5. The buildings and structures existing or proposed on the site shall

Bureau of Engineering Department of Traffic Engineering Building Department Board of Education Zoning Administration Industrial comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE July 11, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Haryland 21204

Robert W. Cannon, Esquire 100 South Charles Street Baltimore, Maryland 21201

MEMBERS

State Roads Commissio Bureau of Fire Prevention zoning action requested, but to assure that all parties are made Health Department aware of plans or problems with regard to the development plans Project Planning

Dear Mr. Cannon: The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the

Petitioner: Commerce Centre Venture

RE: Item No. 386 - Case No. 89-8-A

Petition for Zoning Variance

that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This

petition was accepted for filing on the date of the enclosed

filing certificate and a hearing scheduled acccordingly.

Very truly yours,

JAMES E. DYER Chairman Zoning Plans Advisory Committee

Enclosures

cc: George William Stephens, Jr. and Associates, Inc. 303 Allegheny Avenue Towson, Maryland 21204

Maryland Department of Transportation State Highway Administration

Richard H. Trainor Secretary Hai Kassoff Administrator

May 4, 1988

Re: Baltimore County Commurce Centre Zoning meeting 5/3/88 S/E/S Reisterstown Road Maryland Route 140 60' north of Interstate Item #386

Dear Mr. Haines:

Att: James Dyer

Mr. J. Robert Haines

County Office Building

Towson, Maryland 21204

Zoning Commissioner

After reviewing the submittal for a variance to permit a dual faced identification sign of 188.3 square feet per side in lieu of the allowed 150 square feet, the State Highway Administration-Bureau of Engineering Access Permits has the following comment.

The submittal for a variance of a business sign has been forwarded to the State Highway Administration-Beautification Section, c/o Morris Stein (333-1642), for all comments relative to zoning.

If you have any questions, contact Larry Brocato of this office (333-1350).

> Very truly yours, Creston J. Mills, Jr. Chief-Bureau of Engineering Access Permits

cc: G.W. Stephens, Jr. and Associates J. Ogla Morris Stein w/plan



My telephone number is (301) 333-1350 Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toli Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date___June_27._198a_____ J. Robert Haines Zoning Commissioner FROM P. David Fields, Director

prior to occupancy.

() 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments at this time.

Inspection Division

Office of Planning and Zoning

SUBJECT Zoning Petition #89-8-4

This office is opposed to the granting of the subject request, believing that the existing sign is quite large enough. The logs should serve as sufficient identification; the additional tenant names would appear to be advertising. It should also be noted that this site is within the boundaries of the Reisterstown Road Corridor Study, a key element of which is that "trees and shrubbery which exist along both sides of Reisterstown Road should be retained and additional trees planted to create a landscaped promenade along both sides of the road. New development should be designed so as to define and enhance this promenade effect."

Office of Planning and Zoning

Fire Prevention Bureau

cc: Shirley Hess, People's Counsel J. G. Hoswell Zoning File

WEINBERG AND GREEN ATTORNEYS AT LAW 100 SOUTH CHARLES STREET

BALTIMORE, MARYLAND 21201-2773

BALTIMORE: (301) 332-8600 WASHINGTON AREA: 470-7400

TELECOPIERS

(301) 332-8863

WRITER'S DIRECT DIAL NUMBER

(301) 332-8816

HAND DELIVER

(301) 332-8862

SUITE 950 COLUMBIA, MARYLAND 21044-3506 (301) 740-8500

29804.1

10480 LITTLE PATUXENT PARKWAY

FILE NUMBER

August 12, 1988

Honorable J. Robert Haines Zoning Commissioner of Baltimore County Office of Planning and Zoning

Baltimore County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Care No. 89-8-A

Dear Commissioner Haines:

Enclosed you will find a draft of the proposed Findings of Fact and Conclusion of Law with respect to the sign variance matter heard on July 19, 1988. The enclosure is being submitted for your consideration at your request.

Respectfully yours, Robert W. Cannon

081/pg Enclosure

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY 2328 W. Juppa Rd Zow Latherville, Mol 21093 Clark F. Mackenzie, Jr. 303 ALLEGHENY AVE, TOWELL MOZIZER JAMES S. KYNE (G.W. STEPHENS)

